

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS
OF MICHIGAN, et al.,

Plaintiffs,

V.

RUTH JOHNSON, in her official capacity as Michigan Secretary of State,

Defendant.

No. 2:17-cv-14148

ORDER

ORDER DENYING MOTION TO QUASH AND/OR FOR PROTECTIVE
ORDER BY MICHIGAN REDISTRICTING RESOURCE INSTITUTE

Before the Court is a Motion to Quash and/or for Protective Order by Michigan Redistricting Resource Institute (“MRRI”). [Dkt. Nos. 76, 77.] For the following reasons, we DENY the motion.

First, MRRI’s motion lacks a certification that MRRI has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. *See* Fed. R. Civ. P. 26(c). MRRI merely states that it sought “Plaintiffs’ counsel’s concurrence in the relief requested,” [R. 77 at PageID #1773], which is inadequate.

Second, although Rule 45(d)(3) requires this Court to quash a subpoena that requires disclosure of privileged or other protected matter where no exception or waiver applies, the subpoena at issue contemplates and accommodates assertions of privilege and other protections. [R.76-2 at PageID #1522 (providing instructions “[f]or each document withheld under claim of privilege, work-product doctrine, or relevancy”).] Because the subpoena provides for this procedure, and because MRRI has not persuaded the Court that this procedure is inadequate, MRRI has failed to show that the subpoena meets the requirements of Rule 45(d)(3). Accordingly, MRRI has not met its burden to show that the subpoena must be quashed.

It is hereby ORDERED that the Motion to Quash and/or for Protective Order by Michigan Redistricting Resource Institute [Dkt. Nos. 76, 77] is DENIED.

ENTERED: August 3, 2018

/s/ Eric L. Clay
Signed for and on behalf of the panel:

HONORABLE ERIC L. CLAY
United States Circuit Judge

HONORABLE DENISE PAGE HOOD
United States District Judge

HONORABLE GORDON J. QUIST
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 3, 2018, by electronic and/or ordinary mail.

S/Diane R. Marion
Administrative Manager